

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-1570 (GBD)(SN)

**ERIC ANDO; DIANE BECKMAN;
MIGUEL BERMUDEZ; JOSEPH
BRAMBACH; JONATHAN BURBANK;
DANIEL BYRNES; RICHARD
CALLAHAN; JOHN CHANG; THOMAS
CHICO; PAUL CHRISTENSEN; FRANK
CICERO ; WILSON COLON; KEVIN
COMISKEY; ANDREW CONRAD;
KEVIN CONZONE; DANA
COPPERSMITH; WILLIAM COSTA;
KEITH COSTANZO; BRIAN CULLEN;
AARON DAKE; WILLIAM
D'AMBROSIA; GEORGIANNA
DEROSA; JOHN DEYETTE; GARY
DUNCAN; TIMOTHY EGAN; JOHN
ENGLISH; ANNEMARIE FALCONE;
ROBERT FANESI; LAWRENCE FEES;
THOMAS FERNANDEZ; HENRY
FERRANTI; ANTHONY FINCH; JOHN
FISCHER; JONATHAN FREDERICKS;
CAROLE GANSON; CINDI GELLER;
CHRISTOPHER GIROLAMI; SUSAN
GIUFFRE ; KENNETH GOETZ; MARIA
GONZALEZ; JONATHAN HALPERT;
SHARON HARVEY; THOMAS
HOULIHAN; ROBERT IABONI;
THOMAS KENNELLY; MARK KLIKA;
GORDON LANPHERE; JAMES
LAVELLE; ESTELLE LAWYER;
ANDREW LEAHY; VICTOR LEBRON;
EDWIN LEE; JOSEPH LEMMO; DAVID
LOPEZ; WAYNE LOVELL; ISRAEL
MALDONADO; DAVID MARTIN;
JASON MATTICE; THOMAS
MCDERMOTT; ADAM MCFADDEN;
SEAMUS MCHUGH; CORNELIUS
MERRITT; PETER MORREALE;**

18-CV-11664 (GBD)(SN)

**SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

**MICHAEL NEWMAN; LINDA
PARENTE; BRIAN PAYNE; EDWARD
PAYNTER; MARCOS PENEDO;
ANTHONY PETROCELLI;
BERNARDINO PISTILLI; STEFANIA
POLANCAK; ADAM POLLACK;
STEPHEN PSARREAS; RICHARD
QUALEY; SEAN REDDY; LINDSAY
REECE; ANTHONY RENDO; JOSE
RIVERA; JESSICA RIVERA-CAICEDO;
JORGE ROCA; ADRIENNE
RODRIGUEZ; CESAR RODRIGUEZ;
LOUIS ROMAN; JAMES RUBINO;
ANGELO SALVATORELLI; DENNIS
SCHAGER; JASON SCHEFF; JAMES
SCORDUS; TIMOTHY STACK;
EDWARD STEINKRAUS; JAMES
SWEENEY; KENNETH TAIT; MARK
VILLONE; THOMAS VISCONTI;
ARTHUR WALLINGFORD; JAYSON
WARD; KYLE WILSON; STEVEN
WILSON; ALAN YUEN; JOSEPH ZITO;**

Plaintiffs,

-against-

KINGDOM OF SAUDI ARABIA,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of May 3, 2017, ECF No. 3543. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi

Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): _____

_____.

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**

- ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
- ☐ COUNT IV – Wrongful Death.
- ☐ COUNT VI – Alien Tort Claims Act.
- ☒ COUNT VII – Assault and Battery.
- ☒ COUNT VIII – Conspiracy.
- ☒ COUNT IX – Aiding and Abetting.
- ☒ COUNT X – Intentional Infliction of Emotional Distress.
- ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- ☒ COUNT XV – Trespass.
- ☒ COUNT XVI – Violations of International Law.

- ☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
- ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
- ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia: _____
- _____
- _____.

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as "Plaintiffs."

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was

killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
 - a. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

- 4. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.
- 5. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

- 6. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 13, 2018

Respectfully submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (NY Bar #ME8337)

Robert T. Haefele, Esq. (NY Bar #RH2811)

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COUNSEL FOR PLAINTIFFS

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship/ Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1	Ando, Eric	NY	USA				personal injury
2	Beckman, Diane	NY	USA				personal injury
3	Bermudez, Miguel	NY	USA				personal injury
4	Brambach, Joseph	NY	USA				personal injury
5	Burbank, Jonathan	CT	USA				personal injury
6	Byrnes, Daniel	NY	USA				personal injury
7	Callahan, Richard	NY	USA				personal injury
8	Chang, John	NY	USA				personal injury
9	Chico, Thomas	NY	USA				personal injury
10	Christensen, Paul	FL	USA				personal injury
11	Cicero , Frank	NJ	USA				personal injury
12	Colon, Wilson	NY	USA				personal injury
13	Comiskey, Kevin	NY	USA				personal injury
14	Conrad, Andrew	NY	USA				personal injury

15	Conzone, Kevin	FL	USA				personal injury
16	Coppersmith, Dana	VA	USA				personal injury
17	Costa, William	NJ	USA				personal injury
18	Costanzo, Keith	NY	USA				personal injury
19	Cullen, Brian	NJ	USA				personal injury
20	Dake, Aaron	NY	USA				personal injury
21	D'Ambrosia, William	NY	USA				personal injury
22	DeRosa, Georgianna	NY	USA				personal injury
23	Deyette, John	NY	USA				personal injury
24	Duncan, Gary	NY	USA				personal injury
25	Egan, Timothy	NY	USA				personal injury
26	English, John	NY	USA				personal injury
27	Falcone, Annemarie	CT	USA				personal injury
28	Fanesi, Robert	NY	USA				personal injury
29	Fees, Lawrence	VA	USA				personal injury
30	Fernandez, Thomas	NY	USA				personal injury
31	Ferranti, Henry	NY	USA				personal injury
32	Finch, Anthony	NY	USA				personal injury
33	Fischer, John	NH	USA				personal injury
34	Fredericks, Jonathan	NY	USA				personal injury
35	Ganson, Carole	NY	USA				personal injury
36	Geller, Cindi	NJ	USA				personal injury
37	Girolami, Christopher	NY	USA				personal injury

38	Giuffre , Susan	VA	USA				personal injury
39	Goetz, Kenneth	NY	USA				personal injury
40	Gonzalez, Maria	NY	USA				personal injury
41	Halpert, Jonathan	NY	USA				personal injury
42	Harvey, Sharon	NY	USA				personal injury
43	Houlihan, Thomas	NY	USA				personal injury
44	Iaboni, Robert	NY	USA				personal injury
45	Kennelly, Thomas	NY	USA				personal injury
46	Klika, Mark	NY	USA				personal injury
47	Lanphere, Gordon	NY	USA				personal injury
48	Lavelle, James	NY	USA				personal injury
49	Lawyer, Estelle	NY	USA				personal injury
50	Leahy, Andrew	NY	USA				personal injury
51	Lebron, Victor	NY	USA				personal injury
52	Lee, Edwin	NY	USA				personal injury
53	Lemmo, Joseph	NY	USA				personal injury
54	Lopez, David	NY	USA				personal injury
55	Lovell, Wayne	NY	USA				personal injury
56	Maldonado, Israel	NY	USA				personal injury
57	Martin, David	NY	USA				personal injury
58	Mattice, Jason	NY	USA				personal injury
59	McDermott, Thomas	NY	USA				personal injury
60	McFadden, Adam	NY	USA				personal injury

61	McHugh, Seamus	NY	USA				personal injury
62	Merritt, Cornelius	NY	USA				personal injury
63	Morreale, Peter	NY	USA				personal injury
64	Newman, Michael	NY	USA				personal injury
65	Parente, Linda	AZ	USA				personal injury
66	Payne, Brian	NY	USA				personal injury
67	Paynter, Edward	NY	USA				personal injury
68	Penedo, Marcos	NY	USA				personal injury
69	Petrocelli, Anthony	NJ	USA				personal injury
70	Pistilli, Bernardino	NY	USA				personal injury
71	Polanscak, Stefania	NY	USA				personal injury
72	Pollack, Adam	NY	USA				personal injury
73	Psarreas, Stephen	FL	USA				personal injury
74	Qualey, Richard	NY	USA				personal injury
75	Reddy, Sean	NY	USA				personal injury
76	Reece, Lindsay	OR	USA				personal injury
77	Rendo, Anthony	NY	USA				personal injury
78	Rivera, Jose	FL	USA				personal injury
79	Rivera-Caicedo, Jessica	NY	USA				personal injury
80	Roca, Jorge	NY	USA				personal injury
81	Rodriguez, Adrienne	NY	USA				personal injury
82	Rodriguez, Cesar	NY	USA				personal injury
83	Roman, Louis	NY	USA				personal injury

84	Rubino, James	NY	USA				personal injury
85	Salvatorelli, Angelo	NY	USA				personal injury
86	Schager, Dennis	NY	USA				personal injury
87	Scheff, Jason	NY	USA				personal injury
88	Scordus, James	NY	USA				personal injury
89	Stack, Timothy	NY	USA				personal injury
90	Steinkraus, Edward	CT	USA				personal injury
91	Sweeney, James	NY	USA				personal injury
92	Tait, Kenneth	NY	USA				personal injury
93	Villone, Mark	NY	USA				personal injury
94	Visconti, Thomas	NY	USA				personal injury
95	Wallingford, Arthur	NY	USA				personal injury
96	Ward, Jayson	NY	USA				personal injury
97	Wilson, Kyle	NY	USA				personal injury
98	Wilson, Steven	NY	USA				personal injury
99	Yuen, Alan	NY	USA				personal injury
100	Zito, Joseph	NY	USA				personal injury